

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

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AFFYMETRIX, INC., a Delaware Corporation,)
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)
Plaintiff/Counter-Defendant,)
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vs.)
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)
ILLUMINA, INC., a Delaware Corporation,)
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)
)
Defendant/Counter-Plaintiff.)
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)

Civil Action No. 04-901-JJF

STIPULATION AND ORDER TO AMEND PROTECTIVE ORDER

IT IS HEREBY STIPULATED AND AGREED, subject to the approval and order of the Court, that the July 28, 2005 Protective Order is amended as follows:

4. Disclosure of Designated Information

4.1 Documents or information designated Confidential shall be disclosed by the recipient thereof only to:

a. all Authorized Counsel and such counsel's support staff, legal assistants, and clerical personnel who are working on this action and need to have access to such information for the purposes of this action only. The term "Authorized Counsel" shall be limited to: (i) Morris, Nichols, Arsh & Tunnell; (ii) the Affymetrix Litigation Unit; (iii) Morris James LLP; (4) Kirkland & Ellis LLP; and (v) Foley & Lardner LLP. Although "Authorized Counsel" shall be limited to the above lawyers, the parties reserve the right to request permission to amend this Protective Order to include additional attorneys as "Authorized Counsel," and the parties agree that such permission shall not be unreasonably withheld;

All other provisions set forth in the Court's July 28, 2005 Protective Order shall remain in full force and effect.

/s/ Maryellen Noreika
Maryellen Noreika (I.D. No. 3208)
MORRIS, NICHOLS, ARSHIT
& TUNNELL
1201 N. Market Street
P.O. Box 1347
Wilmington, Delaware 19899-1347
302.658.9200
mnoreika@mnat.com

Counsel for Plaintiff
Affymetrix, Inc.

/s/ Richard K. Herrmann
Richard K. Herrmann (I.D. No. 405)
MORRIS JAMES LLP
500 Delaware Avenue, Suite 1500
Wilmington, Delaware 19801
302.888.6800
rherrmann@morrisjames.com

Counsel for Defendant
Illumina, Inc.

SO ORDERED this _____ day of _____, 2007.

Joseph J. Farnan, Jr.